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SUBJECT: 2008 TANZANIA CHILD LABOR REPORT

REF: 2008 STATE 127448

11. This cable is in response to guidance in reftel.

Incidence and Nature of Child Labor:

12. The use of young girls, known as house girls, for forced domestic labor is the greatest child labor problem in Tanzania. No statistics exist to delineate this problem. In broader terms, the 2006 Integrated Labor Force Survey (ILFS), conducted by the National Bureau of Statistics (NBS), estimated the population of children aged 5-17 at 12,083,349, about 31% of the approximately 40 million total population. The survey found that 21% of children aged 5-17 were engaged in child labor outside of the home, while 70% were engaged in home-based income generating activities; 85% were engaged in "work" more broadly defined, including both home-based income generating activities and unpaid household, childcare and agricultural work.

13. According to the ILO, the key problem with the persistence of trafficking and child labor in agriculture, mining and fishing lies with the small, often family, enterprises. Although children are engaged in small-scale, home-based agriculture, children are rarely employed in large-scale agriculture, including for tea, coffee, sugar cane, sisal, clove and tobacco production. Similarly, it is in small-scale rather than industrial gold and tanzanite mining that child labor is seen. According to the Director of the Good Hope Project, which rescues children from the Tanzanite mines, the mining companies support the project's work and refer children to it. Good Hope sees the biggest challenge as parents and youths who prefer to seek immediate riches over the long term benefit of education. On Zanzibar, in addition to small-scale agricultural work, children often engage in work on small fishing boats. Instances of child labor outside of the home occur primarily in the informal sector, which according to the World Bank accounts for over 50 percent of the economy. The Ministry of Labor, Employment and Youth Development attributes the large orphan population, especially as a result of HIV/AIDS, as an important cause of child labor, since orphans often must provide for themselves and are vulnerable to involvement in exploitative labor.

14. In a positive development, a U.S.-based NGO working in Tanzania, Winrock International, has observed a growing level of awareness nationally that child labor is illegal. Winrock reported in its annual report that large-scale farms rarely use child labor, and employers are well aware of the 2004 labor laws that criminalize child labor. Newspaper reports cited the Ministry of Labor and the ILO as crediting trade unions for providing an important measure of oversight in the prevention of child labor. Another local NGO, Kiwohede, was instrumental in developing a special office within the Dar es Salaam Police Department to assist with identifying and

placing children involved in the worst forms of child labor into Kiwuhede's care for education and healthcare assistance.

Classroom attendance and teacher to student ratio

15. Ministry of Education and Vocational Training educational enrollment statistics for 2008 show a slight decrease in gross primary enrollment (those who initially enroll for classes) and essentially no change for net primary school enrollment (those who complete the school year). The 2004-2008 Basic Education Statistics in Tanzania (BEST) Report showed the following changes:

- Teacher to pupil ratio increased from 1:53 to 1:54;
- 135 new public schools and 92 non-government private schools opened;
- 36.3% of all children between 5-6 years of age were enrolled in pre-primary education in 2008, up from 33.1% in 2007;

16. Tanzania's primary schools are crowded as a result of population growth and free universal primary education. The number of primary school students who continued on to secondary school decreased slightly, from nearly 450,000 in 2007 to nearly 440,000 in 2008. The number of those going on from primary school to complete their secondary education remained essentially unchanged for 2008.

Legislation and Enforcement:

17. The Ministry of Labor has the lead on issues related to child labor. The Ministry employs 66 labor inspectors and relies on cooperation from the police for enforcement of labor laws. The GOT has ratified ILO Convention 182 and maintains a list of the worst

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forms of child labor. The Employment and Labor Relations Act and the Labor Institutions Act of 2004 provide for the protection of children from exploitation in the workplace and prohibit forced or compulsory labor. The Employment and Labor Relations Act includes a specific prohibition of forced labor by children. These labor laws establish a criminal punishment for employers who use illegal child labor or forced labor. Violators can be fined an amount not to exceed 5 million shillings (approximately USD 3,500), imprisonment for a term of one year, or both. By law, 18 is the legal age to enter the military. Children under the age of 18 are prohibited from being employed in mines, factories, ships, or any workplace the Minister of Labor deems to be hazardous.

18. The implementing regulations for the Labor Relations Act and Labor Institutions Act of 2004 went into effect in 2007. The Ministry of Labor, Employment and Youth Development worked through established institutions, such as the Commission for Mediation (CMA) and the Labor, Economic and Social Council (LESCO), to enforce the 2004 labor laws. Anti-trafficking in persons legislation was passed by the Parliament in February and signed by the President in August 2008; however, the law had not been officially published by the end of the year, as required for it to take effect. It is expected to be published in 2009.

19. Several government agencies have jurisdiction over areas related to child labor, but primary responsibility for enforcing the country's child labor laws rests with the Ministry of Labor. Although the Ministry of Labor reportedly made inspections throughout the year and issued warnings to violators of child labor statutes, there were no reported child labor cases brought to court in 2008. The low number of labor officers and the low salaries officers received undermined effective enforcement abilities. The Ministry of Labor continued to face a high level of turnover among its labor officers.

10. In Zanzibar, which has a separate Ministry of Labor and laws covering the issue of child labor, the law prohibits employment of children under the age of 18 years, depending on the nature of the work. Employment Act No.11 of 2005 categorizes child labor practices as (a) ordinary practices for child labor, and (b) the worst forms of child labor. The penalties for category (a) offenses are a fine of 500,000 shillings (USD 350) or imprisonment of up to 6 months. For category (b) offenses, a fine of not less than 3

million shillings (USD 2,600) or imprisonment of at least one year, or both. In 2008, Zanzibar's Ministry of Labor did not prosecute any cases of child labor.

GOT Policies and Programs:

¶11. The Tanzania Education Alternatives for Children (TEACH) Program, a five year partnership project between the mainland Ministries of Labor and Education and the U.S.-based NGO Winrock International, began in 2006 and continued working in remote districts to reduce the overall number of children engaged in the worst forms of child labor. Winrock Executive Director, Patrick Fayaud, said that his group had been successful in ensuring that children in the areas where they are active attended school on at least a semi-regular basis. The Winrock project enrolled 4,564 children in TEACH-supported programs who were either engaged in child labor or at risk of entering into child labor activities. By the end of the year 2,756 children were considered fully withdrawn from child labor by the program.

¶12. The GOT worked with the ILO-IPEC to implement Phase II of the U.S. Department of Labor-funded Time-bound Program (TBP) to eliminate the worst forms of child labor by 2010. Specific areas targeted by the TBP included child labor in agriculture, domestic service, mining, fishing, and prostitution. The Ministry of Labor Child Labor Unit worked with the TBP to provide training for district child labor coordinators and officials to increase their capacity to combat the worst forms of child labor. Phase II expanded from the 11 district covered in Phase I to five new districts, and is expected to be completed in September 2009. By February 2008, 3006 children were withdrawn or prevented from child labor under the TBP.

¶13. The GOT partnered with the International Organization for Migration to train its law enforcement officials, NGOs and community leaders on all aspects of child trafficking and the linked relationship to child labor through the Uwe Sauti Yao (Be Their Voice) campaign. Be Their Voice supported traveling troupes of actors and singers and produced ads carried on radio, television and in newspapers. There were also comic books to draw the attention

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of youth. This national process was also aided by the U.S. Department of Justice, which sent trainers to various regions of the country to train police officers, immigration officials and prosecutors on anti-trafficking measures. The Ministry of Labor encouraged law enforcement officials and local communities to increase assistance to the Ministry by identifying children at risk and preventing their entry into some of the worst forms of child labor.

Comment:

¶14. In 2008, funding and staffing shortages in the educational sector, HIV/AIDS, and the high level of poverty continued to make Tanzanian children vulnerable to exploitation in the labor market. However, the level of awareness about child labor was high, stemming from the efforts of the GOT and partner NGOs working in the most vulnerable regions across the country. Tanzania made significant strides to improve its primary education system, but still has much to do. During President Bush's 2008 visit to Tanzania, President Jakaya Kikwete noted strengthening the educational system as one of his most pressing issues. Opportunities for secondary education have improved with the mass building of new schools; however, finding well trained teachers and paying them a competitive salary remains a major challenge. Enforcement efforts in Tanzania have been hindered by the lack of institutional capacity, poor pay and not enough officers to ensure labor laws are enforced. END COMMENT.

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